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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/565,413

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EXAMINER

BATES, KEVIN T

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/565,413	<b>Applicant(s)</b> JACHMANN ET AL.	
	<b>Examiner</b> Kevin Bates	<b>Art Unit</b> 2456	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 29 September 2008.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 10-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 10-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

***Response to Amendment***

This Office Action is in response to a communication made on September 29, 2008.

Claims 1-9 have been cancelled.

Claim 10 is currently amended.

Claims 10-20 are pending in this application.

***New Examiner***

This application has been assigned to a new examiner.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 20 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 20 recites “a configuration file,” “a structure,” “an order” and “a dynamic memory area” these limitations have been added to claim 10, now it is unclear whether these are the same configuration files as present in 10 or newly defined ones in claim 20.

***Claim Rejections - 35 USC § 103***

**Claims 10, 11, 13-15, 18 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Thibault et al (EP 0 825 506 A2) in view of Martino, II (5680551).**

**As to claim 10**, Thibault discloses: a method for data interchange, the method comprises:

providing a communication unit(Fig. 1: (26) or (28), a data source (Fig. 1 (25), and a runtime system (co1.3, lines 32) between the communication unit and the data source, the runtime system including hardware components (col. 3, lines 32-40) and software components(col. 3, lines 54-56 and Fig. 1(25)) for transmitting data between the data source and the communication unit;

controlling and/or monitoring a data exchange between the communication unit and the data source with a processing sequence("omopenlist" col. 9,lines 25- 27, 32-34 and Fig.2);

managing, with the runtime system, a dynamic memory area of a random access memory of a computer, and accessing the memory area wherein the processing routines are called by the runtime system (col.5,1ine 57- col.6,1ine 5 and co1.2 ,lines18-33 together with Fig. 2:"omopenlist","dqchange","omupdate" and col. 9,lines 43-46; where the data processing system must have a RAM to add and delete new API objects).

However, Thibault does not expressly teach: the processing sequence comprising processing routines each having an identical input interface, the processing

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routines being callable in any order; calling the processing routines in succession with the runtime system and supplying data in a called processing routine to the input interface of an immediately adjoining processing routine, and stipulating an order in which the processing routines are called by having the runtime system access a configuration file stored in the memory area and having the runtime system execute lines of the configuration file in succession such that the processing routines, which are listed in the lines of the configuration files, are called by addresses of the processing routines.

Martino II teaches a system for providing messaging between two different distributed system that further teaches using callable processes with consistent interfaces (Col. 6, lines 14 – 17) and a configuration manager utilizing a configuration file that stipulates the line by line order of execution of the processes (Col. 7, lines 47 - 58).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use Martino's teaching of a configuration file in Thibault's messaging system to allow dynamic reconfiguration of the messaging system (Col. 6, lines 30 – 33; Col 5, lines 62 - 65).

**As to claim 11**, the data source is a part in a distributed system( see Thibault, col. 3, lines 54-58 together with Fig. 2) As to claims 13 and 14, providing the data with a data-source-specific source data identifier, and controlling processing of the data by the processing routine on the basis of the source data identifier (see Thibault, Fig. 1

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,Process control unit: (19a)-(19e); data objects: (23a)-(23e)"source data identifiers" together with col. 6, lines 44-47). controlling the processing of the data on the basis of the source data identifier with one or more of the processing routines (see Thibault, col. 6, lines 26, 44-47).

**As to claim 15**, at least one of the processing routines is a buffer-store routine for buffer- storing data with a respective buffer-store data identifier, and if the source data identifier matches a given buffer-store data identifier, the buffer-store routine displays the buffer-store data associated with the buffer-store data identifier and terminates the interchange of the data.(see Thibault, col.9, lines 22-25, 32-35, and 36-42). As to claim 18, the runtime system has a network server(see Thibault, col.3, lines 37-40 and Fig. 1(16) ) with a server program(col. 5,lines 46-47 and Fig.1 (25))\_and at least one client computer (col.3,lines 33-34 and Fig.1 (12,14)) with a browser program (col. 2, lines 58-col.3, line 7), and accessing the server program with each browser program through the Internet ( see Thibault, the Abstract: "Internet Web browser").

Most of the limitations for claims 11, 13-15 and 18 have been noted in the rejection of claim 10. Therefore, they are rejected as set forth above. 5.

**With respect to claim 20**, Thibault does not expressly disclose the claimed feature of "loading a configuration file into a dynamic memory area" and "stipulating a structure and an order of the processing routines".

Martino II teaches a system for providing messaging between two different distributed system that further teaches using callable processes with consistent interfaces (Col. 6, lines 14 – 17) and a configuration manager utilizing a configuration file that stipulates the line by line order of execution of the processes (Col. 7, lines 47 - 58).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use Martino's teaching of a configuration file in Thibault's messaging system to allow dynamic reconfiguration of the messaging system (Col. 6, lines 30 – 33; Col 5, lines 62 - 65).

**Claims 12, 16-17, and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Thibault in view of Martino as applied to claim 10 above, and further in view of Schleiss et al (U.S Pub. No. 2003/0014500 A1 ).**

**With respect to claim 12**, most of the limitations of this claim have been noted in the rejection of claim 10. It is noted, however, Thibault does not expressly disclose the claimed features of providing the data with a user identifier, checking the user identifier for a match with entries in prescribed user lists, and terminating data forwarding if no match is established.

Schleiss et al, from the same or similar field of endeavor, teaches a method of processing transactional process control data (see Schleiss, paragraph 14 lines 2-8), wherein a technique of authentication of users prior to access and to process data is provided for preventing unauthorized data access, so that the process data are forwarded only to the authenticated users (see Schleiss, paragraph 54 lines 14-22).

Thus, it would have been obvious to someone of ordinary skill in the art at the time the invention was made to further modify the remote control method of Thibault (see the previous modification on the rejection of claim 10) by adding a technique taught by Schleiss because such combination would have permitted the process control method of Thibault to allow the transactional data communication for process control systems to develop custom communication interfaces that must be integrated to carry out each type of transactional data exchange (see Schleiss, paragraph 11, lines 15-20).

**With respect to claims 16, 17 and 19**, Thibault does not expressly disclose the claimed limitations of "at least one of the processing routines is an error analysis routine" (as cited in claim 16), "at least one of the processing routines is a monitoring routine" (as cited in claim 17), and "at least one of the processing routines is a tracking routine" (as cited in claim 19). However, Schleiss discloses an error analysis routine within the context of the description (see page 7, lines 14-22 together with paragraph 31, lines 1-6). Schleiss also achieves the claimed feature of "processing routines" by providing a process control system to store data and/or monitoring data in a database (see paragraph 40, lines 1-11 and Figure 3 and 4).



Additionally, Shleiss discloses the claimed limitation of "tracking routines" by using the user authentication prior to access the data which is dependent not only on the user but also on the position of the terminal within the network (see Schleiss, paragraph 54, lines 20-22 and page 8, lines 15-28).

Thus, it would have been obvious to someone of ordinary skill in the art at the time the invention was made to further modify the remote control method of Thibault (see the previous modification on the rejection of claim10) by adding a technique taught by Schleiss because such combination would have permitted the process control method of Thibault to allow the transactional data communication for process control systems to develop custom communication interfaces that must be integrated to carry out each type of transactional data exchange (see Schleiss, paragraph 11, lines 15-20).

### ***Response to Arguments***

Applicant's arguments with respect to claim 10 has been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kevin Bates whose telephone number is (571)272-3980. The examiner can normally be reached on 9 am - 5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bunjob Jaroenchonwanit can be reached on (571) 272-3913. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Kevin Bates/  
Primary Examiner, Art Unit 2456